
North Shore Management Board

Thursday, April 29, 2010 7:00 PM
Lake County Human Services Center
Two Harbors, MN
Minutes

Attendee	Representing	Absentees	Representing
Bob Fenwick	Cook County	Mark Russell	City of Beaver Bay
Mike Hoops	Silver Creek Township	Dave Mount	Duluth Township
Mary Rosati	City of Two Harbors	Tim Musick	Town of Lakewood
Scott Johnson	Silver Bay		
Rich Sve	Lake County		
Jan Sivertson	City of Grand Marais		
John McCurtain	City of Beaver Bay		
Sue Lawson	Duluth Township Planning		
Ryan Hughes	Board of Water & Soil Resources		
Kim Chapman	Applied Ecological Services		
Peg Sweeney by phone	St. Louis County		
Andy Hubley	ARDC		
Liz Sarabia	ARDC		

1. Call to Order

The meeting was called to order by Rich Sve at 7:03 PM

2. Approval of Agenda

Peg Sweeney was contacted by phone because quorum was not present at the meeting location. However, quorum was reached shortly thereafter with the arrival of Jan Sivertson.

Call for motion to approve agenda. Motion by Bob Fenwick, amended by Rich Sve to add item for next meeting date; passed unanimously.

3. Approval of the February 18, 2010 minutes

Call for motion to accept minutes. Motion by Peg Sweeney/Mike Hoops; passed unanimously.

4. Resolution authorizing payment to ARDC for staffing services to the NSMB for the period of January 1, 2010 to March 31, 2010.

Call for motion to approve payment to ARDC in the amount of \$692.84. Motion by Scott Johnson/Mary Rosati; motion passed unanimously.

5. Resolution authorizing payment to ARDC for staffing services to the NSMB for the period March 31, 2010 to June 30, 2010.

Call for motion to approve payment of invoices up to \$3,629.92 to ARDC for staffing services performed during the period of April 1, 2010 to June 30, 2010 after review by the North Shore Management Board chair. Motion by Bob Fenwick/Mike Hoops; motion passed unanimously.

6. Introductions followed welcoming John McCurtin, City of Beaver Bay who was attending for Mark Russell, Kim Chapman of Applied Ecological Services and two members of the TAC, Sue Lawson and Ryan Hughes.

7. Presentation - Project Title: Sustainable Land-Use and Transportation Planning

Andy Hubley gave a short overview of the NSMB, its history, the plan and updates, situation with implementing the plan, current plan to consolidate scientific data and studies to substantiate changes that need to be made to the plan, etc. He then provided a short introduction about his contact with Kim Chapman, how ARDC was not a zoning entity and the reason for this presentation to the NSMB.

Kim Chapman works for Applied Ecological Services (AE) that has been around for about 30 years working toward integrating ecology and science with human enterprise. AES has projects in the metro area and when this project came together, it was LCCMR that suggested they apply for funds. They have gathered a group of persons from firms such as SEH (Short, Elliott, Hendrickson), Dovetail Partners, Donjek and Katherine Barton & Associates. LCCMR advised them to move forward on this grant request and to find an entity to support the project; St. Louis County would have but there was a time constraint.

Explaining further about the project, Mr. Chapman stated that in traditional planning you have land use then add transportation, infrastructure, etc. then at the end an environmental impact statement. His proposal offers an environmental assessment first before land use planning, etc. takes place.

Through the process you identify areas that would need additional conservation planning before beginning work or protect an area because of easy loss, identify areas where the impact is minimal. This reversal of the process with preplanning will reduce costs, identify sooner the best practice and cause less impact to the environment, possibly reduce the controversy. It doesn't hinder development, but reduces the controversy by identifying areas suitable or not suitable for development beforehand.

Discussion followed and covered the intent of the project, the ultimate outcome, the issue of being non-binding, similarity to the new DNR shoreline rules, and applicability to the North Shore. Additionally, after reviewing each of the activities in this project, it was decided that the economic analysis would need much more emphasis. Some members were taking this proposal back to their respective Boards, others were not. TAC members that were present provided additional insight into the overall impact and outcome of this proposal. After expressing their many concerns and reservations about the outcome of this project, the Board had a motion to write a Letter of Sponsorship with the understanding that the Board can rescind the letter if they find overwhelming opposition *with their respective Boards, Councils, etc.* to the project, or if funding problems arise. Motion by Scott Johnson/Bob Fenwick for the NSMB to write Letter of Sponsorship with the added emphasis that the economic analysis activity be expanded; passed unanimously. Andy Hubley was directed to prepare the letter and to contact LCCMR for further details on the funding.

8. NS Obliques Update - Contractor is beginning work the first week of May.

9. Financial Report

The Year End Report was not prepared. As soon as it is available it will be electronically sent to each member followed by a hard copy. A preliminary review by ARDC's Finance Director stated that the account has money and they are in good standing.

The Board was informed that the Grand Marais match for the last two years has not been paid though they have received invoices and statements. The outstanding amount is \$1,500. Liz Sarabia was directed to provide the statements to Jan Sivertson for follow up with the City of Grand Marais.

10. Correspondence list was reviewed and a short discussion on the two Lake County *Zoning* requests (Rich Sve noted that they were approved)

11. Next meeting date and location discussion. At this time there may not be a need for meeting until September; however, if the above project comes to the forefront there may be a meeting in July. It was decided that a meeting could be held the 4th Thursday in September (September 30th) in Grand Marais at 7 pm. Travel arrangements, locations, etc. would be finalized after July.

ATTEST:

Rich Sve, Chair

Elizabeth R. Sarabia, Recording Secretary

Mary Rosati (MR)	How does this impact as far as money? Is this duplicity of EIS, etc.? Will this delay development?
Kim Chapman (KC)	<p>Just a demo project, testing a different way of planning. See if it is possibly acceptable then perhaps NSMB would adopt some of ordinances, etc. and bring into use</p> <p>Cost - using the example of Miller Creek, if someone had identified the environmental needs of the trout, what was needed to maintain, etc.; thought about shading, water temperatures, and run off. If this was in place first, could a portion of the litigation have been avoided - instead of developer/environmentalist fighting, working together with preplanning. Better knowledge will lead to better planning and protecting the environment.</p>
Rich Sve (RS)	Seems like the new DNR Shoreline standards address run off from roof tops, pavement buffers, etc. Unsure if NSMB would adopt.
Andy Hubley (AH)	This is beyond shoreline.
KC	Planned out in the 5 items of the program's activities. Where there are areas of concern, Pat Collins indicated that these could be aligned
AH	Water flows down hill to Lake Superior, so there is a concern for NSMB for watersheds
KC	Would like a watershed boundary instead of just Shoreland
AH	Non binding recommendation
Scott Johnson (SJ)	It is the inland concern versus outside influences telling communities what to do
KC	<p>Activity #1: we would go out to the communities, conduct interviews with key decision makers, public meetings, if there is a willingness to go down this path</p> <p>Seeing how people feel, identifying issues. ARDC would be involved in that component; NSMB decides if they want ARDC to staff</p> <p>There is flexibility in this process - can refuse, can go as it is, or change to suit.</p> <p>Letter of Sponsorship to proceed with project and NSMB will accept the monies</p> <p>Activity #2: Take all data and turn it into something that makes sense. Are placed identified, what can be the best practice for an area, where are their minimal constraints for development</p>

Activity #3: Build onto ecological foundation, where land use growth regulations are based upon using science; community [? thru media] the information and then participation. Will see if there can be prolonged support, education to trust the project, and community support.

Activity #4: economic analysis (by Donjek Associates); identify property water changes so you can shift your development/land use. Assess for community, effect on value and taxes.

Activity #5: Implementation is Dovetail Partners for communication.

Note: in comparison to the main proposal, Activity #4 is Transportation Planning and Economic Analysis is Activity #5.

The project would take 24 months, beginning June 1, 2011. Can find additional funding sources such as Pat Collins with the Coastal project may support with funding.

Total price tag is \$385,000. LCCMR doesn't pay overhead to non-profits. Will let to subcontractor with overhead is okay. Typical cost of \$300,000 for Roseville; however here it could be a template versus a plan.

Bob Fenwick (BF)

Did you do this in a metro area?

KC

The metro comp plans were done in 2008, had to look at other areas. Looked to SEH, working here in northern Minnesota and they suggested St. Louis County, but SLC decided against it. Can do a similar process in a small area.

BF

If someone feels it appropriate to use EIS, of if environmental program is not sufficient or doesn't serve well, why would they think this?

KC

EIS and EAW are adversarial. Between agencies, non conservative, divides against each other, but not an integrated plan. Not sure about impact. Structure and process is set and this is against that, what is standard. The end result is not as good. Philosophy by ecologist-integrated science-how to include people in the picture.

Ecology is first/beginning of project less controversial-cleared path-now end points meet before putting in roads, etc.

MR

Developing in depressed areas; we're already concerned w/pollution. Will this be one more tool to affect jobs, etc.?

KC

When economy is issue, how can the environment be considered? I don't have an answer. Can't determine with the project if it will work.

What may happen is that instead of starting to demand a EIS, etc., there would be no need because they would be in place;

would add to the development/economic return before development. Better than EIS or EAW.

- AH It increases the economy with doing a plan. Look at whole parcel, what is sustainable for the economy is sustainable for ecology - doesn't have to one or the other.
- BF Feels #5 is way too narrow. Economy should not be defined by economic analysis. Much larger.
- KC Agendas.
- AH More economy based than other areas.
- SJ What happens when older, 2 generations, look back in 20 years that ...does like...that isn't binding, cost - could NSMB think outside the box, if we could have a process less adversarial?
- AH Not binding thing, not [?]. Town planners may say why should they put in place? See developers, local professional planners getting them on board.
- Sue Lawson (SL) Commends idea. The Town of Duluth, 2000, 5 year planning process, \$30,000 on nothing; comp plan was done over and looked at from ecological standpoint. Lakewood is just comp plan, zoning, SC, etc. Plans are done, projects for planning, lots done, easements along shore, everyone knows everyone body, can unit or split a community. Can undo, but consensus may be problem, challenges if it non binding
- KC Maybe for the next comp plan down the road in 20 years, maybe it won't take hold for 10-15 years.
- SJ Asking several questions at once. Overall agrees with process but the communities may be a hard sell for the long term.
- AH This could be a turning point for the NSMB. The Board could be starting with a clean slate. If the process goes forward and zoning is radically different, could result in not working. But if you took the current plans and redo the NSMP with this in mind.
- BF This is not binding. DNR suggested shoreline management, these were considered not binding, yet organization would then adopt. When seen in writing, chance information can be used.
- Doesn't mind adversarial issues, welcomes that in fact. Is this a prescriptive solution to make that it happen? SSTS - prescriptive ways to put in septic, however, measures on prescriptive process, but not if it really works. Would prefer adversary. It is so easy to designate areas so there would be no new mining, etc. Without discussion, just prescriptive based upon this process. Better for single governmental entity versus NSMB because of the process.

- AH Have some idea where you can go with the process. Example is Silver Bay's Eco Park and Silver Bay Township's renewable energy.
- KC Economy of scale: when working with Kansas City, there were 7 counties. They are using on the 1st two steps. Maplewood - assisted with ecology ordinance as a last minute issue for the comp plan. The Planning Department did tweak and it resulted in establishing green areas. A canoe route resulted. AES is used to large scale, but could use a watershed, but may include additional area. But the issues is if there will be critical mass, ie 7-8 townships. May be able to have critical mass that is a fear by narrowing the area.
- BF With the shoreline rules, the DNR moved forward and said it was a non-binding process, but at the end of the process, a number of groups advocating as rules, DNR said no, but still in process to adopt them. Wants to know best practice, but not necessarily have comp plan based on ecology. Need something substantial for adversary, so we have a community based plan.
- KC Suggests an ordinance on low impact development.
- AH Options for that could exist.
- KC What if something can come out of it, would it be acceptable for townships to use? What if we have a best practice that could be used? You would have tool, a template that could be responsive.
- BF Could live with a template. I have a concern about it becoming prescriptive.
- AH That's why having it non-binding, etc is key. It needs to be at beginning, and it needs to be a best practice which may be not applicable in all cases
- KC Some science may tell people things they may not like to hear
- AH Is something a deal or based science
- KC Performance based conditions
- BF There are lots of politics to EIS, EAW, but best practice could have mitigation process
- KC worked on the Polymet EIS work which was brutal. It was a classic EIS dilemma which was on going. This idea would reduce that ongoing battle as issues keep coming up.
- BF First, I want to be selfish and keep in Grand Marais and Cook County. Second, is there a better alternative to EIS, ESW,UARs but not carte blanc?

KC Jack Riala walks a fine line. Advocates for a different way, ideology

AH (Wonder if oil rigs had EIS)

Needs adjustments for the economy. Partnership could include local folks, longer term relationships. Wonder about SEH because haven't see SEH and planning going together, only engineering

KC SEH and AES re-envisioned a plan for St. Cloud to integrate soil and water, restoration of shoreline, green areas and urban planning. Also in Douglas County worked on a conservation overlay. SEH are planners and engineers, but they're learning as they do this. This is new territory for everyone.

SJ Asked the NSMB, "do we want to sign on to this process?"

RS regarding the questions that Bob [Fenwick] brought up, we heard this at Lake County Board. Concern is if these rules are adopted, do these rules become cost prohibitive to do development? We all want protection, but does this become prohibitive? If it is at no cost to us, where does this study information go?

KC To the NSMB, the public, the steward would be ARDC

RS Would it become prescriptive? Can we do this and hope it stays at good intentions or is it something we wish we didn't do?

SJ I see it as developer friendly. Handle hurdles on the front end yet I recognize Bob [Fenwick] and Rich [Sve] concerns.

AH If money comes into NSMB, its your project, not Kim's. If you want to enforce the economy portion, you can.

SJ Who is going to control the shelf?

BF We can control the tenor of the result. What if NSMB takes on the process, if it is implementable, is this our role to do? Feel it if isn't objective, but yet when side...

SJ Still wrestling with proposal

AH Point of the meeting

- 1) Approve letter to LCCMR if sponsoring entity you will have control over process
- 2) We're very interested but could ARDC staff balance and bring back to board to approve
- 3) Thinking about it, but no thanks. ARDC will find a smaller group for better fit with LOS later

KC Recommends it is good, but it is board decision

Jan Siverton (JS) Agrees it needs to come from NSMB. But is this part of our mission?

AH Discussed at last meeting about using ecological based sustainable planning is a balance - for example Silver Bay's eco park

RS At some point in a comp plan, could this be information you could use and afford?

JS Yes, it can. Doesn't appear to have a shelf life; if not used today, but maybe with development in the future or with other components.

AH Option 1 or 2 - Take it back to your boards/TAC

ARDC did use it for a comp plan, it was a natural resources corridor. Wasn't the end all, just a tool for staff and elected officials.

SL We have a number of tools now. The MN planning agency has model ordinances, lots of links and tools. This could be another tool. It is difficult to use science for energy because it can be biased. Look at Boundary Waters in 1964. When can it be passed over, will this also be carried on? Will communities keep bringing it to the table?

SJ Motion adapt a LOS to go forward with this, tweaked for more economic analysis. Caveat is be to take to boards and get them to say to move forward or not. Second by BF.

SJ Will not

AH Option # - write letter and have Rich commit the NSMB as the sponsoring agency to the LCCMR (questions from floor - how do you stop the process - don't get the money, many not get the money and it may not go through)

RS Contingent on individual board approvals.

BF I will talk to my board.

SJ I will not.

AH Letter can be rescinded

RS Is this confirmed?

KC It is okay, the process can be as NSMB wants it.

RS Will you come to this Board with updates, etc.

BF I see that we will be more involved with committees, more than in the past or in any process before

MR I still have a reservation. Protect environment for children, but how do I answer then we (Two Harbors) has a proposed in-city deer hunt on the table? How do I answer, "what do we need to protect the environment for when we have wildlife now? Two Harbors has done a lot of involvement for the environment.

JS It is to protect deer for 100 years

MR I support the letter

RS We could take this on if not for now, for the future. Vote taken for motion to write letter of sponsorship.

Additional comments later in the meeting.

BF Want everyone to think about what is in place. Counties are still planning, land use and zoning entities. Don't want to have this ignored so we don't have resolution.

SJ Hope it (the project) will be development friendly.